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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Armenia,* Australia,* Austria,* Bosnia and Herzegovina,* Colombia,* Croatia,* Denmark,* Finland,* Georgia, Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Japan,* Liechtenstein,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands, Norway,* Panama, Peru,* Poland,* Romania,* Senegal,* Slovakia,* Slovenia, Spain,* Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

31/... Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Guided by the principles and purpose of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Taking into consideration article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, including Assembly resolution 70/166 of 17 December 2015, Commission resolution 2005/79 of 21 April 2005, and Council resolutions 7/6 of 27 March 2008, 16/6 of 24 March 2011, 22/4 of 21 March 2013 and 25/5 of 27 March 2014, on the mandate of the Special Rapporteur on minority issues,

* Non-member State of the Human Rights Council.

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Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Goals and targets contained in the 2030 Agenda are aimed at realizing the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda, in order to ensure that no one is left behind,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Emphasizing further the fundamental importance of human rights education, training and learning, as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies, as well as social cohesion therein,

Noting that 2016 marks the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, affirming that the above-mentioned anniversary offers an important opportunity to reflect upon and reinforce obligations and the commitment of States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, and taking note of the opportunity it represents to take stock of achievements, best practices and challenges with regard to the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and reaffirming the principles and commitments therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues submitted to the Human Rights Council at its thirty-first regular session,[2] the report on the recommendations of the Forum on Minority Issues at its eighth session[3] and the report of

[1] See General Assembly resolution 70/1.
[2] A/HRC/31/56.
[3] A/HRC/31/72.

the Special Rapporteur on minority issues to the General Assembly at its seventieth session,[4] with its special focus on minorities and the criminal justice process;

2. *Notes* the completion, in November 2015, of the eighth session of the Forum on Minority Issues, addressing the rights of persons belonging to minorities in the criminal justice system, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[5]

4. *Commends* the Special Rapporteur on minority issues for the work undertaken in accordance with Human Rights Council resolution 25/5 and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the eighth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including at all stages of the criminal justice process, to take appropriate measures by, inter alia:

(*a*) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities, with a view to considering its amendment;

(*b*) Ensuring that all individuals within their jurisdiction enjoy their human rights throughout the criminal justice system in accordance with international human rights law, including the right to a fair trial, the right to legal assistance, the presumption of innocence and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Promoting a composition of law enforcement bodies at the local, regional and national levels that reflects the diversity of the population, including by, as appropriate, fostering the recruitment, promotion and retention of persons belonging to national or ethnic, religious and linguistic minorities, male and female, by the police, the judiciary, prosecution services and prison personnel;

[4] A/70/212.
[5] A/HRC/31/27.

(*d*) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights of persons belonging to minorities and impartial and non-discriminatory application of the law;

(*e*) Promoting access to mechanisms with the mandate and technical capacity to receive and consider complaints of discrimination, inter alia, against persons belonging to national or ethnic, religious and linguistic minorities in the criminal justice system;

(*f*) Removing obstacles that prevent persons belonging to national or ethnic, religious and linguistic minorities, including the most vulnerable within the community, such as women, children, persons with disabilities, older persons, those living in conditions of extreme poverty and minorities affected by conflict and/or displacement, from reporting a violation of their rights or accessing formal justice;

(*g*) Taking adequate measures to address the overrepresentation of persons belonging to national or ethnic, religious and linguistic minorities in pretrial detention or prison;

(*h*) Working towards detention or imprisonment conditions that take into consideration the needs of prisoners belonging to national or ethnic, religious and linguistic minorities;

7. *Invites* national human rights institutions, civil society organizations and other relevant stakeholders to regularly engage with Governments to contribute to the eradication of discriminatory practices by law enforcement agencies and/or the judiciary;

8. *Invites* international and regional organizations to continue to give attention, to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum on minority issues;

9. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

10. *Takes note* in particular, in this regard, of the initiatives and activities of the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

11. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities

of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Decides* to continue its consideration of this issue in accordance with its programme of work.